

AMENDED IN ASSEMBLY APRIL 5, 1917.

**ASSEMBLY BILL**

No. 9

INTRODUCED BY MR. ARGABRITE

(BY REQUEST)

JANUARY 12, 1917.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

**AN ACT**

AUTHORIZING AND REGULATING THE PRACTICE OF CHIROPRACTIC IN THE STATE OF CALIFORNIA; CREATING A STATE BOARD OF CHIROPRACTIC EXAMINERS; PROVIDING FOR THE APPOINTMENT OF THE SAME; DEFINING ITS POWERS, DUTIES AND EMOLUMENTS; TO PROVIDE A STANDARD OF EDUCATION FOR CHIROPRACTORS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO PROVIDE FOR THE EXAMINATION AND LICENSING OF CHIROPRACTORS IN THE STATE OF CALIFORNIA, AND TO REPEAL ANY OR ALL PARTS OF ANY ACT OR ACTS IN CONFLICT WITH THIS ACT.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. A board is hereby created and established to be known as the board of chiropractic examiners of the State of California. Said board shall be composed of six persons who are graduates of and hold diplomas issued to them by a legally chartered school or college of chiropractic, after having taken the residence course therein, which said school or college shall have had, at the time of the issuance of said diploma, a residence course of at least one school year of not less than eight

1 months, and each of said persons shall present to the governor  
2 satisfactory evidence of good moral character and integrity,  
3 and shall have been a citizen of and practicing chiropractic in  
4 the State of California for a period of not less than two years  
5 next preceding the date of the going into effect of this act. No  
6 person, who holds a diploma issued to him by any school or  
7 college of any science or profession, which said science or pro-  
8 fession is other than chiropractic and has particularly to do  
9 with the health of human beings, shall be eligible to appoint-  
10 ment on said board; and appointments shall be so made that no  
11 more than two persons shall serve simultaneously as members  
12 of said board, whose first diplomas were issued by the same  
13 school or college of chiropractic.

14 SEC. 2. The governor of the State of California shall, on or  
15 before the first Tuesday in September, 1917, appoint six chiro-  
16 practors who shall possess the qualities and qualifications as  
17 specified and set forth in section one of this act, to constitute  
18 the membership of said state board of chiropractic examiners;  
19 tenure in office of said members shall be so arranged as to time  
20 that two shall serve one year, two shall serve two years and two  
21 shall serve the full term of three years. Annually thereafter,  
22 or as there may be vacancies on said board, the governor shall  
23 appoint members who shall be selected from among those  
24 licensed under and by virtue of this act, and who shall possess  
25 the qualities and qualifications as specified and set forth in  
26 section one of this act. No person in any manner owning any  
27 interest in any school, college or institution engaged in chiro-  
28 practic instruction shall be appointed to said board. The gov-  
29 ernor shall have the power, and upon the presentation of suffi-  
30 cient evidence to substantiate the charge, shall remove any  
31 member of the board for neglect of duty, incompetency, con-  
32 tinued refusal or failure to act in his official capacity on said  
33 board, or for unprofessional conduct. Each appointee shall,  
34 before entering upon the duties of his office, take the constitu-  
35 tional oath of office. A license to practice chiropractic within  
36 the State of California shall be issued to the individual mem-  
37 bers of said first board at the first meeting of said board herein

1 provided, upon the payment of the regular fee as provided for  
2 in this act.

3 SEC. 3. Within thirty days after their appointment, and  
4 annually thereafter, said board of examiners shall convene and  
5 elect from its members a president, secretary and treasurer.  
6 Said board shall meet, for the examination of applicants for  
7 license to practice chiropractic, on or before the first Tuesday  
8 in April of each year, in the city of Los Angeles and on or  
9 before the first Tuesday in October of each year in the city of  
10 San Francisco; *provided, however*, that additional or adjourned  
11 meetings may, at the discretion of the board, be held at any  
12 county seat in the state. Notice of each regular or special meet-  
13 ing shall be given twice each week for two weeks next preceding  
14 each such meeting in one daily newspaper published in the city  
15 of San Francisco, one published in the city of Sacramento, one  
16 published in the city of Los Angeles and one published in the  
17 city of San Diego, which notices shall specify the time and place  
18 of meeting for the examination of applicants. The board shall  
19 receive, through its secretary, applications to practice chiro-  
20 practic to be issued as provided in this act; and shall, on or  
21 before the first day of January of each year transmit to the  
22 governor of the State of California, a full report of all of its  
23 proceedings, together with a report of its receipts and disburse-  
24 ments for the year next preceding such report. The board  
25 shall, on or before the first day of January of each year, com-  
26 pile a complete directory giving the names and addresses of all  
27 persons who hold unrevoked licenses to practice chiropractic  
28 in this state, said license having been issued under and by virtue  
29 of this act. Said directory shall contain in addition to the  
30 names and addresses of said persons, the names and symbols  
31 indicating the titles or degrees, and the names of the schools or  
32 colleges having conferred such degrees or titles upon each of  
33 said persons, and the date of issuance, by the board, of said  
34 license. It shall be the duty of any person holding license  
35 under this act, to report immediately each change of address,  
36 giving both the old and new address.

1 SEC. 4. The office of the board shall be in the city of Sacramento. Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of said three cities.

7 SEC. 5. The board shall adopt a seal, which shall be affixed to all licenses issued by it, and may from time to time adopt such rules as may be necessary to enable said board to carry into effect the provisions of this act. It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate provided for in this act. The board shall issue a certificate to any applicant who shall fulfill the requirements of this act. Any member of the board may administer oaths in any matter pertaining to the duties of the board, and the board shall have authority to take evidence in any matter cognizable by it. The board shall keep a record of all its proceedings, a part of which record shall consist of a register of all applications for license to practice chiropractic, and the action of the board upon each such application.

22 SEC. 6. The board is authorized to prosecute all persons guilty of violation of this act, and shall have power to employ legal counsel for such purposes, and shall employ such clerical assistance as it may deem necessary. The board shall fix the salary of the secretary not to exceed the sum of one thousand two hundred dollars per annum, and the sum to be paid to other members of the board not to exceed ten dollars per diem each for each day of actual service in the discharge of official duties of said board, and the board may at its discretion add to said sum necessary traveling expenses of members to and from the place of the meeting of the board.

33 SEC. 7. All fees collected on behalf of the state board of chiropractic examiners of California, and the receipts of all funds shall be reported at the beginning of each month for the month preceding to the state controller, and at the same time the entire amount of such collections shall be paid into the

1 treasury of the state and shall be credited to a fund to be known as the state board of chiropractic examiners' contingent fund, 2 which fund is hereby created. Said contingent fund shall be 3 for the use of the state board of chiropractic examiners, and 4 from it shall be paid all salaries and other expenses necessarily 5 incurred in carrying into effect the provisions of this act. An 6 amount not to exceed one thousand dollars may be drawn from 7 the contingent fund herein created, said amount to be used as 8 a revolving fund where cash advances are necessary. All 9 expenditures from said revolving fund shall be substantiated 10 by vouchers and itemized statements at the end of each fiscal 11 year or at any time when demand therefor is made by the board 12 of control.

14 SEC. 8. Every applicant for a license to practice chiropractic shall pay to the secretary of the board a fee of twenty-five dollars, which shall be paid to the treasurer of the board by the secretary thereof. In case the applicant's credentials are insufficient, or in case he does not take the examination, the sum of fifteen dollars shall be returned to said applicant.

20 SEC. 9. One form of certificate shall be issued by the board 21 of chiropractic examiners of the State of California, which said 22 certificate shall be designated "license to practice chiropractic," 23 and shall authorize the holder thereof to practice chiropractic 24 in the State of California; provided, however, that said certificate 25 shall not authorize the holder thereof to administer any 26 drug or drugs, or what are known as medicinal preparations, 27 to, or in any manner penetrate or sever the tissues of human 28 beings, or to practice obstetrics.

29 SEC. 10. Every applicant for license must file with the 30 board at least two weeks prior to the regular or special meeting 31 thereof, satisfactory evidence of good moral character, and 32 every applicant must show that he has attended two courses of 33 study, each such course to have been of not less than thirty-two 34 weeks duration and not less than one thousand two hundred 35 hours for each of such courses, or a total time of not less than 36 sixty-four weeks and two thousand four hundred hours; provided, 37 however, that said courses shall not necessarily have

been pursued continuously or consecutively. Every application shall be made upon a form furnished by the board, which form shall contain such information concerning the instruction and the preliminary education of the applicant as this act provides; *provided, however*, that nothing in this section shall be construed as to apply to applicants for examination as set forth in section eighteen of this act. In addition to the requirements hereinbefore provided, on or after the first day of September, 1921, every applicant for a license as herein provided, shall present to the board satisfactory evidence that he is a high school graduate or the equivalent thereof. Every applicant shall make affidavit, stating that each and every statement made in, and all entries made upon, the application presented by him to said board, are correct and true.

SEC. 11. Applicants for certificates under this act, except as hereinafter provided and set forth in section eighteen of this act, shall file satisfactory evidence of having pursued in a legally chartered school or college of chiropractic the residence course consisting of the following minimum requirements, to wit:

Group 1—700 hours:	
Anatomy	600 hours
Histology	100 hours
Group 2—450 hours:	
Physiology	350 hours
Chemistry and Toxicology	100 hours
Group 3—310 hours:	
Pathology	240 hours
Bacteriology	70 hours
Group 4—440 hours:	
Diagnosis	350 hours
Hygiene and Sanitation	90 hours
Group 5—500 hours:	
Theory	500 hours
Practice	
Technic	
Total	2,400 hours

In the course of study as herein outlined, the hours specified shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty per cent of actual attendance shall be required; *provided, however*, that the hours herein required in any one subject need not exceed seventy-five per cent of the number specified, but that the total number of hours in all subjects of each group shall not be less than the total number specified for such group.

SEC. 12. Applicants for certificate of license, as provided for in this act, except as is set forth in section eighteen hereof, shall pass an examination in the subjects, specified in section eleven of this act. All examinations shall be practical in character and shall be according to the teachings of chiropractic, and designed to ascertain the fitness of the applicant to practice chiropractic; and shall be conducted in the English language, and at least a portion of the examination in each subject shall be in writing. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to ten on each question. Each applicant shall obtain no less than a general average of seventy-five per cent, and not less than sixty per cent on any two subjects; *provided*, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation. The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, said number to be assigned by the secretary of the board, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board, nor vote upon any application for a certificate of license. All questions on all subjects in which examination is required under this act shall be provided by the board upon the morning of the day upon which examinations are given in said subjects; and when it shall be shown that the secretary

1 or any member of the board has in any manner given any  
2 information, in advance or during examination, to any appli-  
3 cant it shall be the duty of the governor to remove such person  
4 from the board of examiners or from the office of secretary.

5 SEC. 13. Said board shall revoke the certificate of license  
6 issued under this act to any person guilty of unprofessional  
7 conduct. Said board shall adopt rules of practice and pro-  
8 cedure pursuant and under and by virtue of the laws of the  
9 State of California, by which any person charged with unpro-  
10 fessional conduct may be tried. In every instance where a  
11 person is charged with unprofessional conduct, such person,  
12 before suspension or revocation of his license, shall be cited to  
13 appear and be given an opportunity to defend himself by  
14 counsel or otherwise in said trial by said board. In the event  
15 the certificate of license of any person is revoked or suspended,  
16 the secretary shall enter upon the register the fact of such  
17 suspension or revocation, under the seal of the board, to the  
18 county clerk of the county or counties in which the certificate  
19 of the person whose certificate has been revoked is recorded at  
20 the time of such revocation. The words "unprofessional con-  
21 duct" as used in this act, are hereby declared to mean:

22 *First*—The procuring or aiding or abetting in the procuring  
23 of a criminal abortion.

24 *Second*—The wilfully betraying of a professional secret.

25 *Third*—All advertising which is intended to or has  
26 tendency to deceive the public or impose upon credulous or  
27 ignorant persons, and so be harmful or injurious to the public  
28 morals or safety, or the advertising of a chiropractor that he  
29 is practicing medicine, surgery or osteopathy in the State of  
30 California, for which he does not at the time of so doing hold  
31 an unrevoked certificate of license to practice such method or  
32 system issued to him by a board, which said board has been  
33 legally constituted and established by law in the State of  
34 California.

35 *Fourth*—All advertising of any means whereby the monthly  
36 periods of women can be regulated or the menses reestablished  
37 if suppressed.

1 *Fifth*—Conviction of any offense involving moral turpitude,  
2 in which case the record of such conviction shall be *prima facie*  
3 evidence.

4 *Sixth*—Habitual intemperance.

5 *Seventh*—The personation of another licensed chiropractor.

6 *Eighth*—The use, by the holder of a license issued under  
7 this act, in a sign or advertisement in connection with his  
8 practice, of any fictitious name.

9 *Ninth*—The use by a holder of a license to practice chiro-  
10 practic of any drug or what is known as medicinal preparation  
11 in or upon the body of human beings, or the puncturing or  
12 severing of the tissues of the body or bodies of human beings.

13 *Tenth*—Advertising, directly, indirectly or in substance,  
14 upon any card, sign, newspaper advertisement, or other written  
15 or printed sign or advertisement, that the holder of such certifi-  
16 cate or any other person, company or association by which he  
17 is employed, or in whose service he is, will treat, cure or  
18 attempt to treat or cure, any venereal disease, or will treat or  
19 cure, or attempt to treat or cure, any person afflicted with any  
20 venereal disease, lost manhood, sexual weakness; or being  
21 employed by, or being in the service of any person, company  
22 or association so advertising.

23 *Eleventh*—The use by the holder of a license to practice  
24 chiropractic of the letters "M. D.," or the words "doctor of  
25 medicine," or the term "surgeon," or the term "physician,"  
26 or the word "osteopath," or the letters "D. O.," or any other  
27 letters, prefixes or suffixes, the use of which would indicate  
28 that he was practicing a profession for which he held no license  
29 from the State of California.

30 *Twelfth*—The procuring of a license, as issued under this  
31 act, by fraud or misrepresentation.

32 SEC. 14. Every person holding a certificate of license  
33 authorizing him to practice chiropractic as set forth in this  
34 act shall file said certificate of license for record in the office  
35 of the county clerk of the county or counties in which the  
36 holder thereof shall practice, and the fact of such recordation  
37 shall be endorsed on said certificate by the clerk of the county

1 or counties in which said certificate of license is recorded; and  
2 any person who shall practice chiropractic in any county  
3 within the State of California without first having filed his  
4 certificate with the county clerk or clerks of the county or  
5 counties in which said person shall practice as provided herein  
6 shall be guilty of a misdemeanor and shall be punished by a  
7 fine of not more than one hundred dollars, or by imprisonment  
8 of not more than sixty days or by both such fine and imprison-  
9 ment.

10 SEC. 15. The clerk of the several counties shall keep in a  
11 book provided for the purpose a complete list of all certificates  
12 of license as provided in this act, and the dates of filing of said  
13 certificates, and said record shall be open to the public for  
14 inspection during office hours.

15 SEC. 16. Any person who shall practice, or attempt to  
16 practice, or who shall advertise or hold himself out as prac-  
17 ticing chiropractic in the State of California without having  
18 at the time of so doing a valid and unrevoked certificate as  
19 provided in this act, or who shall in any sign or advertisement  
20 use the letters "D. C.," or the words "doctor of chiropractic,"  
21 or the term "chiropractor" or any other letter or letters or  
22 word or words, indicating thereby that he is practicing,  
23 entitled to practice chiropractic in the State of California  
24 without having at the time of so doing a valid and unrevoked  
25 certificate of license as provided in this act, shall be guilty  
26 of a misdemeanor and upon conviction thereof shall be punish-  
27 by a fine of not more than six hundred (600) dollars or  
28 imprisonment in the county jail for a term of not more than  
29 one hundred and eighty (180) days, or by both such fine and  
30 imprisonment. Upon conviction of a person for violation  
31 of this act, the fine, when collected, shall be paid to the  
32 treasurer and a report thereof made to the state controller.

33 SEC. 17. Nothing in this act shall be construed to pro-  
34 vide service in case of emergency, or the domestic administra-  
35 tion of chiropractic, nor shall this act apply to any chiropractor  
36 in any other state or territory who is actually consulting a  
37 licensed chiropractor in this state; provided, that such

1 sulting chiropractor shall not open an office or appoint places to  
2 receive patients within the limits of this state; nor shall any-  
3 thing in this act be construed to prohibit or regulate healing  
4 by prayer or religious faith, nor to interfere with the practice  
5 of religion in the State of California.

6 [SEC. 18. Any person of good moral character who is a  
7 resident of this state and who shall have practiced chiroprac-  
8 tic in the State of California for a period of not less than five  
9 years prior to the enactment or approval of this act, or any  
10 person of good moral character and a resident of this state  
11 who is a graduate and holds a diploma issued by a legally char-  
12 tered school or college of chiropractic with a resident course  
13 of one year and who shall make application to the board of  
14 chiropractic examiners within sixty days after the date of the  
15 going into effect of this act, or any person enrolled in any  
16 legally chartered school or college of chiropractic with a resi-  
17 dence course prior to the date of the passage and approval of  
18 this act, and who shall make application to said board within  
19 sixty days after the date of his graduation from said school,  
20 shall be given an oral, practical and clerical examination. In  
21 making such application to the board, the applicant shall  
22 have set forth therein and given the following information,  
23 to wit: The full name and address of the applicant, the length  
24 of time and where he has been engaged in the practice of chiro-  
25 practic in this state, in what manner and from whom he  
26 received his instruction and training in chiropractic, and the  
27 nature and character of any or all of the methods used by said  
28 applicant in relation to the health of human beings.

29 SEC. 19. Any person who holds an unrevoked certificate to  
30 practice chiropractic, which said certificate was issued to said  
31 person by a chiropractic examining board, or by any other  
32 board or officer authorized by law to issue a license entitling  
33 the holder thereof to practice chiropractic in the District of  
34 Columbia, or in any state or territory of the United States, or  
35 with proof satisfactory to the board of chiropractic examiners  
36 of the State of California that the copy of said certificate  
37 presented to said board is a true and correct copy, shall upon

1 the presentation of said certificate or a copy thereof, to the  
2 board of chiropractic examiners of the State of California and  
3 payment of the fee of twenty-five dollars, be entitled to and  
4 shall receive a certificate of license to practice chiropractic in  
5 the State of California without examination; *provided, how-*  
6 *ever, that the requirements of the said chiropractic examining*  
7 *board, or other board or officer of the state having issued said*  
8 *certificate were in no degree or particular less than those*  
9 *which were required for the issuance of a license to practice*  
10 *chiropractic in the State of California at the time of the*  
11 *issuance of such certificate.*

12 SEC. 19a. Chiropractic is hereby declared not to be  
13 system or mode of treating diseases, injuries, deformities or  
14 other physical or mental conditions of human beings within  
15 the meaning of an act to amend an act entitled "An act to  
16 regulate the examination of applicants for license, and the  
17 practice of those licensed, to treat diseases, injuries, deformi-  
18 ties or other physical or mental conditions of human beings,  
19 establish a board of medical examiners, to provide for the  
20 appointment and to prescribe their powers and duties," and  
21 repeal an act entitled "An act for the regulation of the practi-  
22 ce of medicine and surgery, osteopathy and other systems of  
23 modes of treating the sick and afflicted in the State of Ca-  
24 lifornia, and for the appointment of a board of medical ex-  
25 aminers in the matter of said regulation," approved March  
26 1907, and acts amendatory thereof, and also to repeal all of  
27 acts in conflict with this act, approved June 2, 1913, by ame-  
28 nding sections two, three, four, five, eight, nine, ten, ele-  
29 ven, twelve, thirteen, fourteen, seventeen and eighteen and ad-  
30 ding a new section thereto to be numbered twelve and one,  
31 relating to the practice of chiropody, and any acts amend-  
32 atory thereto.]

33 SEC. 20. Any or all parts of any act or acts in  
34 with this act are hereby repealed.